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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,831	07/31/2000	Michael K. Hargens	1320	5162
28004	7590	11/19/2004		
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			EXAMINER BOUTAH, ALINA A	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/628,831

Applicant(s)

HARGENS ET AL.

Examiner

Alina N Boutah

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached office action.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1,2,4-6,8-15,17-19,21-28,30-32,34-40,42,44-50,52,54-60,62 and 64-69.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

William C. Vaughn  
Primary Examiner  
Art Unit 2143  
William C. Vaughn, Jr.

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## **DETAILED ACTION**

### ***Response to Applicant's Request for Reconsideration***

This action is in response to the amendment received October 15, 2004. Claims 1-2, 4-6, 8-15, 17-19, 21-28, 30-32, 34-40, 42, 44-50, 52, 54-60, 62 and 64-69 are pending in the present application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-6, 8-15, 17-19, 21-28, 30-32, 34-40, 42, 44-50, 52, 54-60, 62 and 64-69 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,185,545 issued to Resnick et al (hereinafter Resnick).

(Amended) Regarding claim 1, Resnick teaches a method for dynamically providing communication accounts to web servers using a communication account system for immediate download to users, the method comprising:

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receiving a communication account request message from a web server, wherein the communication account request message includes user information for a user (figures 3 and 8; col. 6, lines 5-16, 37-40, 58-62);

validating the web server in response to the communication account request message (figures 3 and 8; col. 6, lines 5-16, 37-40, 58-62; col. 7, lines 27-39);

associating a communication account with the web server in response to the validation by processing the user information to select a type of the communication account for the web server (figures 3 and 8; col. 6, lines 5-16, 37-40, 58-62; col. 7, lines 27-39); and

transferring a response message to the web server indicating communication account information in response to the association (figures 3 and 8; col. 6, lines 5-16, 37-40, 58-62; col. 7, lines 27-39).

(Amended) Regarding claim 2, Resnick teaches the method of claim 1 further comprising: receiving the communication account request message from the web server in response to a transaction with the web server by a user (figure 3).

Regarding claim 4, Resnick teaches the method of claim 3 wherein the user information includes information on the transaction with the web server (abstract).

Regarding claim 5, Resnick teaches the method of claim 4 wherein the user information includes information on the transaction with the web server (col. 6, lines 37-39 and 58-62).

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Regarding claim 6, Resnick teaches the method of claim 1 wherein validating the web server further comprises: comparing a web server identification to a list of valid server identifications (col. 6, lines 5-17).

(Amended) Regarding claim 8, Resnick teaches the method of claim 1 wherein associating the communication account further comprises storing a record associated with the web server (figure 5).

(Amended) Regarding claim 9, Resnick teaches the method of claim 1 wherein associating the communication account further comprises: storing a record associated with the user (figure 5).

(Amended) Regarding claim 10, Resnick the method of claim 1 wherein the communication account is a wireline account (figure 8).

Regarding claim 11, Resnick teaches the method of claim 1 wherein the communication account is a wireless account (figure 7).

Regarding claim 12, Resnick teaches the method of claim 1 wherein the communication account is an internet account (figure 8).

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Regarding claim 13, Resnick teaches the method of claim 1 further comprising determining an amount of prepaid time for the communication account (col. 1, lines 64).

Claims 14-26 and 27-39 have similar limitations as claims 1-13, respectively, therefore are also rejected under the same rationale.

Claims 40-49 and 50-59, and 60-69 have similar limitation as claims 1, 3, and 6-13, respectively, except for the fact that the accounts are being transferred to and from wireless devices. Resnick discloses performing functions similar to these limitations in wireless devices (col. 2, lines 35-41), therefore the above claims are rejected under the same rationale.

Claims 70-79, 80-89, and 90-99 have similar limitation as claims 1, 3, and 6-13, respectively, therefore are also rejected under the same rationale.

### ***Response to Arguments***

Applicant's arguments have been fully considered but they are not persuasive. In response to Applicant's argument that Resnick fails to teach "associating a communication account with the web server in response to the validation by processing the user information to select a type of communication account for the web server," the Patent Office respectfully submits that these limitations are taught in figures 3 and 8; col. 6, lines 5-16, 37-40, 58-62; col. 7, lines 27-39. Reference 72 of figures 3 and 8 show a web server that allows a user to access the user account information in the payment system, which has similar function as that described in Applicant's

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claimed invention. Specifically, the user connects to web server, the web server transmits user information request to the payment system, the payment system processes the user information and sends a response to the web server, which finally sends to the server (figure 3). For reasons stated, the rejections are sustained.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Thursday (9:00 am - 7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANB